

Howard M.S. Hu, Chapter 13 Trustee  
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hib\_3015-3tr (3/2013)



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII  
1132 Bishop Street, Suite 250  
Honolulu, Hawaii 96813

Debtor(s): **Juanito Malicdem Bato, II**  
**Alda Joy Collo Bato**

Chapter 13 Case No. **14-01667**  
Plan - Docket No. **38**

### TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

Trustee objects to confirmation of the proposed plan because:

- Plan distributions on account of each allowed unsecured claim is less than in chapter 7 liquidation.
- The plan is inconsistent and the Trustee cannot administer it in the current format.

The Debtors' claim to hold the title to their residence located 91-1031 Kaimalie Street Unit 4Q6, Ewa Beach, Hawaii as tenancy by the entirety. The equity in this residence is \$95,855.62 and the Debtors' proposed plan provides for a 0% distribution to the general unsecured creditors.

Several unsecured claims are scheduled by the debtors to be jointly liable by both debtors. Due to the equity in their residence, these claims would be entitled to receive a distribution in a chapter 7 liquidation. As this chapter 13 plan fails to provide for distribution of at least the amount these claims would received in a hapter 7, this plan can not be confirmed.

In addition, the attorney fees listed on the Disclosure of Compensation of Attorney for Debtor(s) do not agree with the fees listed on either the plan or the Rights & Responsibilities.

### CERTIFICATE OF SERVICE

Trustee also certifies that a copy of this objection was served on the Office of the United States Trustee and the persons below by the court's electronic transmission facilities (ECF) or first class mail.

Dated: May 28, 2015

/s/ Howard M.S. Hu, Chapter 13 Trustee

Debtor(s)  
Juanito Malicdem Bato, II  
Alda Joy Collo Bato  
91-1031 Kaimalie Street, Apt. 4Q6  
Ewa Beach, HI 96706

Attorney for Debtor(s)  
Joyce Junko Uehara, Esq.  
(ECF)